

EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

July 7, 2008

SUBJECT: Grant from the National Endowment for the Arts and Restricted Cash Donation from the San Diego Convention Center Corporation for Art Conservation Treatment of Public Artwork

GENERAL CONTRACT INFORMATION

Recommended Contractor: National Endowment for the Arts(City to apply for Grant)

Amount of this Action: \$39,000

Funding Source: City

SUBCONTRACTOR PARTICIPATION

There is no subconsultant activity associated with this action.

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Equal Opportunity: Required

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517)

ADDITIONAL COMMENTS

This action is to authorize the Mayor to apply for, accept, appropriate and expend grant funds from the National Endowment for the Arts and the San Diego Convention Center Corporation for the conservation treatment of public artwork.



JLR

000737		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) 2900038		111 07/29	
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Commission for Arts and Culture		3. DATE: July 1, 2008			
4. SUBJECT: GRANT FROM THE NATIONAL ENDOWMENT FOR THE ARTS AND RESTRICTED CASH DONATION FROM THE SAN DIEGO CONVENTION CENTER CORPORATION FOR ART CONSERVATION TREATMENT OF A PUBLIC ARTWORK							
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Victoria Hamilton, 236-6778, MS #652				6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Christine Jones, 236-6791, MS #652		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input checked="" type="checkbox"/>	
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND	10220	10365		9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT.	920	10365					
ORGANIZATION	6089	2920					
OBJECT ACCOUNT	4279	4222					
JOB ORDER	006089	292001					
C.I.P. NUMBER							
AMOUNT	\$25,000	\$14,000					
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Victoria Hamilton</i>	7/1/08	8	DEPUTY CHIEF	<i>[Signature]</i>	7/10/08
2	EAS	<i>[Signature]</i>	7/2/08	9	COO	<i>[Signature]</i>	
3	EOCP	<i>Ben B. Knight</i>	7/7/08	10	CITY ATTORNEY	<i>[Signature]</i>	7/15/08
4	LIAISON OFFICE	<i>[Signature]</i>	7/8/08	11	ORIGINATING DEPARTMENT	<i>Victoria Hamilton</i>	7/15/08
5	FM/CIP	<i>Irina Kurnitt</i>	7/9/08	DOCKET COORD: _____ COUNCIL LIAISON: <i>SC for ECP</i> 7/1/08 COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <i>MS</i> <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 7/29/08			
6	COMPTROLLER	<i>Pam Halbert</i>	7/9/08				
7	COMPTROLLER	<i>Jean Talbert</i>	7/9/08				
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. Authorizing the Mayor or his designee to make application to the National Endowment for the Arts (NEA) Access to Artistic Excellence for the conservation treatment of a public artwork. (continued next page)							
11A. STAFF RECOMMENDATIONS: Adopt the Resolution.							
12. SPECIAL CONDITIONS: <u>COUNCIL DISTRICT(S):</u> All <u>COMMUNITY AREA(S):</u> Citywide <u>ENVIRONMENTAL IMPACT:</u> This activity is not a "Project" and is therefore not subject to CEQA, per CEQA guidelines section 15060 (C)(3). <u>HOUSING IMPACT:</u> none <u>OTHER ISSUES:</u> none <u>ATTACHMENTS:</u> none							

2. Authorizing the Mayor or his designee to take all necessary actions, including negotiation and execution of all necessary agreements, to secure and administer \$25,000 in National Endowment for the Arts (NEA) Access to Artistic Excellence Program grant funds for Fiscal Year 2009.
3. Authorizing the Mayor, or his designee, to accept and execute all agreements necessary to secure and administer \$14,000 cash donation from the San Diego Convention Center Corporation restricted for the conservation treatment of a public artwork from the City's art collection for Fiscal Year 2009.
4. Authorizing the City Comptroller, upon receipt of fully-executed grant agreement, to accept, appropriate and expend \$25,000 in National Endowment for the Arts (NEA) Access to Artistic Excellence Program grant funds for Fiscal Year 2009.
5. Authorizing the City Comptroller, upon receipt of a fully-executed charitable donation agreement, to accept, appropriate and expend \$14,000 cash donation from the San Diego Convention Center Corporation restricted for the conservation treatment of a public artwork from the City's art collection for Fiscal Year 2009.
6. Authorizing the City Comptroller to establish a fund for National Endowment for the Arts (NEA) Access to Artistic Excellence Program grant funds for Fiscal 2009.
7. Authorizing the City Comptroller upon receipt of a fully-executed grant agreement, to appropriate and expend \$25,000 in matching funds. Matching and additional funds will be provided out of the Commission for Arts and Culture's Fiscal Year 2009 programs and administrative budget contingent upon approval of the City's Fiscal Year 2009 budget.

**EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE ISSUED:	REPORT NO:
ATTENTION:	Council President and City Council
ORIGINATING DEPARTMENT:	Commission for Arts and Culture
SUBJECT:	Grant from the National Endowment for the Arts (NEA) and Restricted Cash Donation from the San Diego Convention Center Corporation for Art Conservation Treatment of a Public Artwork
COUNCIL DISTRICT(S):	All
CONTACT/PHONE NUMBER:	Victoria L. Hamilton/#236-6778

REQUESTED ACTION:

1. Authorizing the Mayor, or his designee, to apply for, negotiate and execute all agreements necessary to secure and administer \$25,000 from the National Endowment for the Arts (NEA) Access to Artistic Excellence Program grant funds for Fiscal Year 2009 for the conservation treatment of a public artwork from the City's art collection.
2. Authorizing the Mayor, or his designee, to accept and execute all agreements necessary to secure and administer \$14,000 cash donation from the San Diego Convention Center Corporation restricted for the conservation treatment of a public artwork from the City's art collection for Fiscal Year 2009.
3. Authorizing the City Comptroller, upon receipt of a fully-executed grant agreement, to accept, appropriate and expend \$25,000 in NEA Access to Artistic Excellence Program funds for Fiscal Year 2009.
4. Authorizing the City Comptroller, upon receipt of a fully-executed charitable donation agreement, to accept, appropriate and expend \$14,000 cash donation from the San Diego Convention Center Corporation restricted for the conservation treatment of a public artwork from the City's art collection for Fiscal Year 2009.
5. Authorizing the City Comptroller to establish a fund for NEA Access to Artistic Excellence Program grant funds for Fiscal Year 2009 pending receipt of a fully-executed grant agreement.
6. Authorizing the City Comptroller upon receipt of a fully-executed grant agreement, to appropriate and expend \$25,000 in matching funds as necessary to complete the project. Matching and additional funds will be provided out of the Commission for Arts and Culture's Fiscal Year 2009 programs and administrative budget contingent upon approval of the City's Fiscal Year 2009 budget.

STAFF RECOMMENDATION: Approve the Resolution.

EXECUTIVE SUMMARY: A recent conservation survey of the City of San Diego's (City) public artwork entitled *Journey to Aztlán*, conducted by a professional art conservator, indicated that the artwork by contemporary Mexican-American artists Einar & Jamex de la Torre is in urgent need of conservation. *Journey to Aztlán*, a mural, which is prominently located in downtown San Diego directly across from the San Diego Convention Center, depicts a surreal dreamscape incorporating pre-Columbian imagery and the myth of Aztlán from meso-America in a contemporary context. The grant from the National Endowment for the Arts (NEA) and matching funds/additional funds will be used to conserve this public artwork. By conserving *Journey to Aztlán*, the City continues to fulfill its mission to enhance the urban environment with public art for San

Diegans and visitors alike and to ensure the preservation of a public artwork that celebrates the artistic and visual relationship between San Diego and Baja California, Mexico. The Commission has arranged for ConservArt Associates, Inc. to conduct the conservation treatment.

FISCAL CONSIDERATIONS: The National Endowment for the Arts projects that \$25,000 will be granted to the City in Fiscal Year 2009 on condition that the City provides a funding match. Matching and additional funds will be provided out of the Commission for Arts and Culture's Fiscal Year 2009 programs and administrative budget contingent upon approval of the City's Fiscal Year 2009 budget. Additionally, the San Diego Convention Center Corporation projects \$14,000 will be donated to the City in Fiscal Year 2009 restricted for the conservation treatment of a public artwork from the City's art collection.

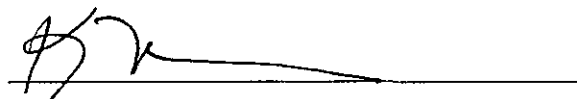
PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Victoria L. Hamilton
Executive Director
Commission for Arts and Culture



Kris Michell
Deputy Chief Operating Officer
Community & Legislative Services

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

000741

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2900038

DEPT. NO.: 920

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$39,000.00 Fund: _____

Purpose: Authorize the Comptroller to appropriate & expend \$25,000 in Matching Grant Funds for NEA grant provided from the Comm. for Arts & Culture 2009 budget upon receipt of fully-executed grant agreement. Also authorize Comptroller to appropriate and expend \$14,000 cash donation upon receipt of fully-executed donation agreement.

Date: July 9, 2008

By: *Pam Hall* 7/9/08
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	10220	920	6089	4279	006089				\$25,000.00
002	0	10365	10365	2920	4222	292001				\$14,000.00
TOTAL AMOUNT										\$39,000.00
FUND OVERRIDE										<input type="checkbox"/>

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____

By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION AUTHORIZING MAYOR TO APPLY FOR,
ACCEPT AND ADMINISTER GRANT FUNDS FROM THE
NATIONAL ENDOWMENT FOR THE ARTS AND
RESTRICTED CASH DONATION FROM SAN DIEGO
CONVENTION CENTER CORPORATION

WHEREAS, established in 1965, the National Endowment for the Arts [NEA] supports arts and cultural activities that strengthen the economy, based on the knowledge that nonprofit arts contribute an estimated \$37 billion to the national economy every year;

WHEREAS, the NEA awards grants to nonprofit organizations and governmental arts agencies in four areas: Access to Artistic Excellence, Learning in the Arts, Challenge America, and Partnership Agreements. The grants include funding and information exchange to enable organizations and communities to create, present, and preserve the art of all cultures to enrich the quality of life for all community members;

WHEREAS, the NEA projects that it will award \$25,000 in Access to Artistic Excellence grant funds to Commission for Arts and Culture [Commission] for the conservation treatment of a public artwork in Fiscal Year 2009, provided that the City provide a one-to-one funding match;

WHEREAS, the Commission will match the \$25,000 in grant funds out of the Commission's Fiscal Year 2009 programs and administrative budget; and

WHEREAS, the San Diego Convention Center Corporation will provide \$14,000 in additional funding for the conservation treatment of the public artwork in the form of a restricted cash donation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is hereby authorized to apply for \$25,000 in NEA Access to Artistic Excellence grant funds for the conservation treatment of a public artwork in Fiscal Year 2009.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and to carry out and administer all obligations, responsibilities and duties under the grant.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller, upon receipt of a fully-executed grant agreement, is authorized to accept, appropriate, and expend \$25,000 in NEA Access to Artistic Excellence grant funds in Fiscal Year 2009.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller, upon receipt of a fully-executed grant agreement, is hereby authorized to appropriate and expend \$25,000 in matching funds. Matching funds will be provided out of the Commission's Fiscal Year 2009 programs and administrative budget.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to establish a fund for the purpose of handling the accounting to facilitate the process of tracking revenue and expenditures for this program.

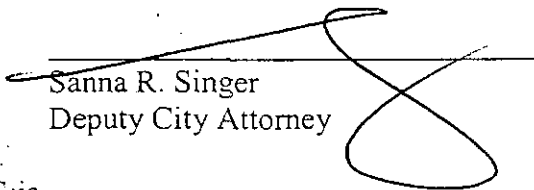
BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to submit all documents, and negotiate and execute all agreements necessary, including any amendments, to secure and administer a \$14,000 cash donation from the San Diego Convention Center Corporation restricted for the conservation treatment of the public artwork in Fiscal Year 2009.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller, upon receipt of a fully-executed charitable donation agreement, is hereby authorized to accept, appropriate, and expend the \$14,000 cash donation from the San Diego Convention Center Corporation in Fiscal Year 2009.

BE IT FURTHER RESOLVED, that the above activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines section 15060(c)(3) because it is a continuing administrative or maintenance activity, and therefore not a project pursuant to guidelines section 15378(b)(2).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Sanna R. Singer
Deputy City Attorney

SRS:js

07/15/2008

Or.Dept: CAC

Aud. Cert. 2900038

R-2009-75

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor